

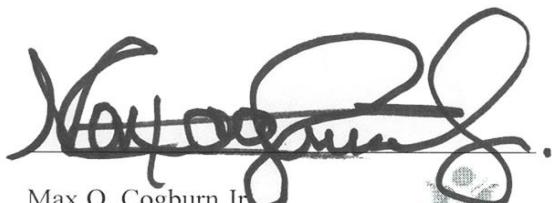
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-474-MOC
(3:17-cr-180-MOC-DSC-1)

ERNEST KEITH, JR.,)
)
Petitioner,)
)
vs.) ORDER
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

THIS MATTER is before the Court on Petitioner's *pro se* Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, that was docketed on August 28, 2018, (Doc. No. 1). The Judgment in the underlying criminal case has not yet been entered. As such, the § 2255 Motion to Vacate is premature. The Court will, therefore, dismiss the Motion to Vacate without prejudice for Petitioner to refile it after the Judgment becomes final.

IT IS, THEREFORE, ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, (Doc. No. 1), is **DISMISSED** without prejudice as premature.

Signed: August 31, 2018



Max O. Cogburn Jr.
United States District Judge